

## REMARKS

This application was originally filed on 15 September 2003 with four claims, one of which was written in independent form. No claims have been allowed. Claim 1 was canceled, and Claims 16-27 added by amendment on 22 December 2004. Please charge any required fees to the deposit account of Texas Instruments Incorporated, Deposit Account No. 20-0668.

Claims 2-4 and 16-27 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 5, and 6 of U.S. Patent No. 6,637,894 B2 issued to Dewald *et al.*, from which this application claims priority. The applicant respectfully disagrees and submits the Examiner has failed to present a proper obviousness-type double patenting rejection.

“A patent issuing on an application with respect to which a requirement for restriction under this section has been made, or on an application filed as a result of such a requirement, shall not be used as a reference either in the Patent and Trademark Office or in the courts against a divisional application or against the original application or any patent issued on either of them, if the divisional application is filed before the issuance of the patent on the other application.”

35 U.S.C. § 121

U.S. Patent No. 6,637,894 B2 issued from U.S. Patent Application Serial No. 10/092,043 on 28 October 2003. The present application is a divisional application of U.S. Patent Application Serial No. 10/092,043 filed on 15 September 2003—before the issuance of U.S. Patent 6,637,894 B2 and as a result of the restriction mailed on 31 December 2002. The 6,637,894 B2 patent therefore is not a reference in the present application, and the Examiner's

rejection of the present claims is therefore improper and should be withdrawn.

In view of the amendments and the remarks presented herewith, it is believed that the claims currently in the application accord with the requirements of 35 U.S.C. § 112 and are allowable over the prior art of record. Therefore, it is urged that the present claims are in condition for allowance. Reconsideration of the present application is respectfully requested.

Respectfully submitted,



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